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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 January 2009</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>61-125</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>61-125</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

<div align="center">DETAILED ACTION</div>

<div align="center">Status of Claims</div>

1.   This action is in reply to the RCE response filed on 28th of January 2009.

2.   Claims 61-63, 69, 71, 72, 75, 76, 79, 88, 92, 93, 96, 97, 99, 106-109, 113, and 117-120 were amended.

3.   Claims 61-125 are currently pending and have been examined.

<div align="center">Response to Arguments</div>

4.   Applicant's arguments filed 28th of January 2009 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

5.   First of all, the examiner would like thank the applicant for pointing out the typographical errors. Proper corrections were made. Secondly, applicant argues modification to Fitzgerald would make it inoperable because "*Fitzgerald relies on confidential identifying information to generate its reports.*" The examiner respectfully disagrees. Although Fitzgerald does not differentiate the exchangeable and confidential data, it certainly does NOT limit data set to confidential data. Therefore, applicant can not assume Fitzgerald is relying on confidential information only.

6.   The examiner would also like to thank the applicant for the informative interview. From the interview examiner has noticed the core of the invention is "*putting the private company in control of their own confidential information and by retaining control at the company.*" Basically private company filters out confidential data and only transmits exchangeable data to the central

computer system. The concept of filtering out information is well known in the art. The examiner

has attached a new art to further teach this. Please see below.

7.   Other arguments with respect to claims 61-125 have been considered but are moot in view of the

new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

9.   The factual inquiries set forth in Graham **v.** John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are

summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or
>   nonobviousness.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art

of record within the body of this action for the convenience of the Applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply. Applicant, in

preparing the response, should consider fully the entire reference as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the Examiner.

10. Claims 61-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (US 6,434,533 B1) in view of Doctor et al. (hereinafter "Doctor"); (US 6,330,610 B1).

As per Claim 61:

Fitzgerald discloses a method for the exchange, analysis, and reporting of performance data in businesses with time-dependent inventory comprising the steps of:

- *Providing for collection of private company information from a first user location through a user interface on a computer system at the first location, (Column 3, lines 50-55),*

- *Defining an exchange data set at the central location on the central computer system; (Column 3, lines 23- 27)*

- *Updating, by a processor, the exchange data set using the exchange data portion; (Column 7, lines 15-25)*

- *Determining, by a processor, an output data set from the exchange data set (Column 9 line 61- Column 10 line 6)*

- *Transmitting the output data set from the central location to a user at the first location via computer network (Column 3, lines 28-32)*

- *Wherein the private company is part of a commercial industry (Time Dependent Industry Businesses; Column 3, lines 6-7), and the output data set includes statistical averages for the commercial industry (Figs 8, 9A, 9B)*

However, Fitzgerald specifically does not mention following limitations. But Doctor discloses the following limitations:

- *The private company information having a confidential data portion, which includes confidential identifying information for a private company that corresponds with the private company information; (Figs 5, Privacy Characteristics)*

- *Providing for generation of an exchange data portion from the private company information at the first user location, which is characterized by an absence of confidential identifying information for the private company; (Figs 1, Client, Item 28)*

- *Receiving only the exchange data portion at a central computer system at a central location via a computer network; (Figs 1, Client, Items 28, 16)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the business data processing system of Fitzgerald the ability to filter data as taught by Doctor since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claim 62 and 63:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses wherein the step of receiving only the exchange data portion at a central computer system at a central location includes the step of receiving only the exchange data portion to a central location via a network and wherein the computer network includes an Internet communication link (Column 4, lines 1-2).

As per Claim 64:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the steps of:

- *Defining one or more groups (Column 3, lines 14-18; the reports are representative of similar business in a particular <u>market area</u>)* •
- *Determining one or more groups associated with the collected information (Column 3, lines 14-18; inherent in the statement that "businesses in a market area can reliably exchange daily performance data;" must be a way to determine the scope of the market area)*

As per Claim 65:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the step of attaching the determined groups to the exchange data portion (See Fig 8; the

members of the group are attached with the exchange portion).

As per Claim 66:

Re Claim 66: Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald

further discloses the step of defining the user as a qualified user (Column 6, lines 35-39 and

Column 12 lines 11-13).

As per Claim 67:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the step of defining the exchange data set as a qualified user exchange data set (Column 6, lines

35-39). The system "can be used to provide processed performance data only to customers that

input data into the system."

As per Claim 68:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the step wherein transmitting the output data set from the central location to user at the first

location is performed via an Internet communication link (Column 4, lines 1-2).

As per Claim 69, 71, and 72:

Fitzgerald in view of Doctor discloses the claimed method supra and while not explicitly disclosing

the step comprising providing for storage of the output data set, the collected information and the

confidential data portion at the first location, the step of saving information on an individual

computer is notoriously well known in the art and would have been obvious to anyone of ordinary

skill. Furthermore, Fitzgerald notes that the user interface includes a CPU and associated

memory, from which storage capabilities would be obvious. This is also shown by Doctor (Fig. 11)

for the same motivation given by claim 61.

As per Claim 70:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the step of storing the output data set at the central location (Column 8, lines 24-27).

As per Claim 73:

Fitzgerald in view of Doctor discloses the claimed method and Fitzgerald further discloses the

step of determining the output data set further comprises the steps of:

- *Defining a statistical model (FIG 8; Column 10, line 28 -Column 11 line 40)*
- *Generating a statistical data set using the exchange data set and the statistical model*
  (FIG 8)
- *Storing the statistical data set as the out put data set (Column 8, lines 22- 27)*

As per Claim 74:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the step of receiving a second exchange data portion from a second user; updating the exchange

data set using the second exchange data portion; and transmitting the output to the second user

(Column 3, lines 47-55; "plurality of business entities;" each would have separate data relative to

their business to exchange).

As per Claim 75:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the steps of:

- *providing a graphical user interface including a webpage (Column 6, lines 60-63)* •

- *providing for collection of information from the user location via the webpage displayed at the user location. (Column 7, lines 11- 14)*

As per Claim 76:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of providing for access to the central controller via the webpage using a login routine, wherein the login routine determines whether a user is allowed to access the central controller (Column 7, lines 3-10).

As per Claim 77:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step wherein transmitting the output data set to the user is performed at the completion of the login routine (Column 7, lines 11-37)

As per Claim 78:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of generating a graph from the output data set (Figs 9A and 9B).

As per Claim 79:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step wherein the step of providing for collection of information from a user location includes the step of collecting benchmark information (Column 1, line 39 - Column 2 line 30). The invention of Fitzgerald is designed to collect pertinent information from a plurality of business competing in a similar market and to produce an output of an individual business' success (benchmark) in relation to its market (FIG 8).

As per Claim 80:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step wherein the benchmarking information is asset information (FIG 8, Column 10, lines 28-46). Fitzgerald uses the hotel industry as an example and in the benchmarking report in figure 8; the statistics are based upon the available hotel rooms (the asset of any hotel), and the derivatives thereof.

As per Claims 81-84:

Fitzgerald in view of Doctor discloses the claimed method supra and while not explicitly disclosing the steps wherein the asset information includes public business valuation information, private business valuation information, portfolio information or capital structure information, the system of Fitzgerald could easily be adapted to receive and output data that is relevant to any market. The hotel example is used (Column 1 line 38- Column 2 line 30), with information such as Occupancy and Average Daily Rate submitted and outputted as statistics relevant to that particular industry. However every industry is different, and depending upon the market on which the system is operating, the parameters of the system will change. It would have been obvious to anyone skilled in the ordinary art at the time of invention to adapt the system of Fitzgerald in view of Doctor in order to change the parameters submitted relative to the market, because performance measurements in one industry are often time inconsequential or non-existent in another industry and would therefore provide no relevant information for that market segment.

As per Claim 85:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step wherein the benchmarking information is performance information. Fitzgerald states that ADR and Occupancy are "performance data" terms in the hotel industry (Column 2, lines 4-9),

and these measurements are clearly used to benchmark individual hotels in the output report (Fig 8).

As per Claim 86:

Fitzgerald in view of Doctor discloses the claimed method supra and while not explicitly disclosing the step of collecting public company commercial information from a published public exchange market, this process is old and well known in the art and would have been obvious to anyone of ordinary skill. The mere fact that this is published information means that anyone can collect and analyze it, and this process has been done via a network for years. One would be motivated to add this feature to the disclosure of Fitzgerald in view of Doctor in order to create an even larger cache of industry information, in order to further locate the users position in the overall market.

As per Claim 87:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step wherein the statistical averages include at least one of average deal statistics, average valuation statistics, average collateral statistics, average operating performance statistics and average operating performance data (Figure 9A). Fitzgerald explicitly discloses ADR as a performance statistic (Column 2, lines 4-9), and the output shown in figure 9A shows the statistic averages of ADR for the market.

As per Claim 88:

Fitzgerald discloses a method for the exchange, analysis, and reporting of performance data in businesses with time-dependent inventory comprising the steps of:

- *providing for collection of commercial information via a webpage displayed on a computer at a first user location, wherein the commercial data information relates to a private company in an industry (Column 3, lines 50-55)*

- *providing for generation, by a computer system, of a commercial data record from the commercial data information (Column 9, lines 12-21)*

- *Defining a commercial statistical analysis system having an exchange data set on a computer system at a central location; (Column 3, lines 23-27)*

- *Receiving only the exchange subrecord via a computer network communication link to the commercial statistical analysis system (Column 9, lines 18-20)*

- *Updating, by the computer system at the central location, the exchange data set using the exchange subrecord (Column 7, lines 15-25)*

- *Generating a commercial statistical data set for the industry using the commercial statistical analysis system on the computer system at the central location (FIG 8), wherein the commercial data set includes statistical averages for the industry (FIG 9a, 9b)*

- *Transmitting the commercial statistical data set to the user location over a computer communication network; (Column 3, lines 28-32)*

However, Fitzgerald specifically does not mention following limitations. But Doctor discloses the following limitations:

- Including a confidential subrecord that identifies the private company; *(FIG 5, SS# is private data, person with ordinary skill can easy substitute SS# with tax ID)*

- *providing for generation, by a computer system, of an exchange subrecord from the commercial data information at the first user location, which is characterized by an absence of confidential identifying information for the private company; (Figs 1, Client, Item 28)*

- *Receiving only the exchange subrecord (Figs 1, Client, Items 28, 16)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the business data processing system of Fitzgerald the ability to filter data as taught by Doctor since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the results of
the combination were predictable.

As per Claim 89:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses
the step wherein transmitting the commercial data set from the commercial statistical analysis
system to the user location is completed via the network communication link (Column 4, lines 1-
2).

As per Claim 90-91:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses
the step of storing the commercial statistical data set at the commercial statistical analysis system
(Column 8, lines 24-27).

As per Claim 92-93:

Fitzgerald in view of Doctor discloses the claimed method supra and while not explicitly disclosing
the step comprising providing for storage of the collected information at the location of the user
and storing the confidential sub record at the location of the user, the step of saving information
on an individual computer is notoriously well known in the art and would have been obvious to
anyone of ordinary skill. Furthermore, Fitzgerald notes that the user interface includes a CPU and
associated memory, from which storage capabilities would be obvious. This is also shown by
Doctor (Fig. 11) for the same motivation given by claim 88.

As per Claim 94:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses
the step of:

- *Defining a statistical model (FIG 8; Column 10, line 28 -Column 11 line 40)*

- *Generating a commercial statistical data set using the exchange data set and the statistical model (FIG 8, 9a, 9b)*

As per Claims 95 and 96:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of receiving a second exchange subrecord from a second user; and updating the exchange data set using the second exchange subrecord (Column 3, lines 47-55; "plurality of business entities;" each would have separate data relative to their business to exchange)

Re Claim 96: Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of providing for access to the commercial statistical analysis system via the webpage using a login routine, wherein the login routine determines whether a user is allowed to access the commercial statistical analysis system (Column 7, lines 3-10).

As per Claim 97:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step wherein transmitting the commercial statistical data set to the user location is performed at the completion of the login routine. (Column 7, lines 11-37)

As per Claim 98:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of generating a graph of the commercial statistical data set (FIG 9a, 9b).

As per Claim 99:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of providing for collection of information from a user location includes the step of providing for collection of asset information (FIG 8, Column 10, lines 28-46). Fitzgerald uses the

hotel industry as an example and in the benchmarking report in figure 8; the statistics are based upon the available hotel rooms (the asset of any hotel), and the derivatives thereof.

As per Claim 100 and 101:

Fitzgerald in view of Doctor discloses the claimed method supra and while not explicitly disclosing wherein the asset information includes public business valuation, private business valuation and other statistical information, the system of Fitzgerald could easily be adapted to receive and output data that is relevant to any market. The hotel example is used (Column 1 line 38- Column 2 line 30), with information such as Occupancy and Average Daily Rate submitted and outputted as statistics relevant to that particular industry. However every industry is different, and depending upon the market on which the system is operating, the parameters of the system will change. It would have been obvious to anyone skilled in the ordinary art at the time of invention to adapt the system of Fitzgerald in order to change the parameters submitted relative to the market, because performance measurements in one industry are often time inconsequential or non-existent in another industry and would therefore provide no relevant information for that market segment.

As per Claim 102:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of determining whether the user is a qualified user (Column 6, lines 35-39 and Column 12 lines 11-13).

As per Claim 103:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses the step of defining a qualified user exchange data set, wherein the qualified user exchange data set is allowed to be accessed only by the qualified user (Column 6, lines 35-39)

As per Claim 104:

Fitzgerald in view of Doctor discloses the claimed method supra and while not explicitly disclosing

the step of defining the exchange data set to include the qualified user exchange data set as a

subset of the exchange data set, it would have been obvious to anyone skilled in the ordinary art

for the system of Fitzgerald to create a broader data set, perhaps involving surrounding markets

in order to create a larger view of the particular industry. In this manner, a user can see not only

large- scale statistics, but local statistics of a particular market which would more accurately

reflect the position of the business.

As per Claim 105:

Fitzgerald in view of Doctor discloses the claimed method supra and Fitzgerald further discloses

the step of defining the network communication link in include an Internet communication link

(Column 4, lines 1-2).

As per Claim 106:

Further system claim would have been obvious to perform previously rejected method claim 61

and is therefore rejected using the same art and rationale. Also the examiner will further address

argument for the following limitation:

- *Wherein the commercial statistical data set is defined by a lack of information identifying*
  a source of the exchange subrecord. (Fig. 1, Item 28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to include the business data processing system of Fitzgerald the ability to

filter data as taught by Doctor since the claimed invention is merely a combination of old

elements, and in the combination each element merely would have performed the same function

as it did separately, and one of ordinary skill in the art would have recognized that the results of

the combination were predictable.

As per Claim 107:

Fitzgerald in view of Doctor discloses the claimed system supra and Fitzgerald further discloses

wherein the user is a qualified user and the commercial statistical data set is accessible only by

one or more qualified users (Column 6, lines 35- 39)

As per Claim 108:

Fitzgerald in view of Doctor discloses the claimed system supra and Fitzgerald further discloses

wherein

- *A communication component configured to accept data from a first user interface located*
  at a first location; (FIG 1A, 200)
- *Wherein the communication component is adapted to communicate with the first user*
  interface for accepting transmission of the exchange record from the first user interface
  and for transmitting the commercial statistical data set to the first user interface from the
  commercial information exchange system (FIG Ia, Ib)

As per Claim 109:

Fitzgerald in view of Doctor discloses the claimed system supra and Fitzgerald further discloses

wherein the network includes the Internet (Column 4, lines 1-2).

As per Claim 110:

Fitzgerald in view of Doctor discloses the claimed system supra and Fitzgerald further discloses

wherein the exchange system controller further includes a web server (Column 4, lines 42-50)

As per Claim 111:

Fitzgerald in view of Doctor discloses the claimed system supra and Fitzgerald further discloses

wherein the exchange system controller includes a query manager for managing queries between

the user and the commercial information exchange system (Column 7, lines 11-14).

As per Claim 112:

Fitzgerald in view of Doctor discloses the claimed system supra and Fitzgerald further discloses

wherein the exchange system controller includes a statistical model, wherein the commercial

statistical data set is generated using the exchange data set and the statistical model (Column 3,

lines 23-27).

As per Claim 113~119:

Further computer readable medium claims would have been obvious to perform previously

rejected method claims 61-62, 73-74, 76-77 and 82 respectively and are therefore rejected using

the same art and rationale.

As per Claim 120:

Fitzgerald in view of Doctor discloses a method for the exchange, analysis, and reporting of

performance data in businesses with time-dependent inventory comprising the steps of:

- *Providing for collection of private company data information including business valuation*

  and other statistical data via a webpage, displayed on a computer system at a first user

  location, from a user associated with the private company wherein the private company is

  part of a commercial industry (Column 3, lines 14-22)

- *Defining, on a central computer system, a statistical analysis system having an exchange*

  data set and at least one statistical model (Fig 8, Column 3, lines 23-27)

- *Updating, by a processor, the exchange data set using the exchange subrecord (Column*

  7, lines 15-25)

- *Storing the updated exchange data set to the statistical analysis system (Column 8, lines*

  24-27)

- *Generating a private company statistical data set using the statistical analysis system*

  based upon the updated exchange data set and the at least one statistical model,

> *wherein the private company statistical data set includes statistical averages for the commercial industry, the statistical averages including at least one of average deal statistics, average valuation statistics, average collateral statistics, average operating performance statistics and average operating performance data (SEE FIG 8, 9a, 9b)*

- *Transmitting, over the computer network, the private company statistical data set to one or more qualified users, wherein the qualified user is defined as a user who provides exchange sub records to the statistical analysis system (Column 6, lines 35-39).*

However, Fitzgerald specifically does not mention following limitations. But Doctor discloses the following limitations:

- *Providing for generation of a private company data record from the private company data information, including a confidential subrecord, which includes confidential identifying information for the private company on a computer system at the first user location, and an exchange subrecord, which is defined by an absence of confidential identifying information for the private company; (Figs 1, Client, Item 28)*

- *Wherein the private company statistical data set is configured to protect an identity of the private company from other users with access to the private company statistical data set (Figs 5, Privacy Characteristics)*

- *Receiving only the exchange subrecord at the statistical analysis system over a computer network; (Figs 1, Client, Items 28, 16)*

- *Providing for storage of the confidential subrecord at the location of the user; (Figs 1, Client, Items 24)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the business data processing system of Fitzgerald the ability to filter data as taught by Doctor since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claim 121~125:

Fitgerald discloses the limitations as shown in the rejections above. Furthermore, Fitgerald also

discloses the following limitations:

- *the exchange subrecord comprises statistical information sufficient to obtain a valuation*

  of the private company. (See at least Column 1, Line 39+, performance data for hotel

  business)

- *the commercial statistical data set enables another user to determine a valuation of the*

  private company. (See at least Column 1, Line 39+, RevPAR)

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the

date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Edward Chang** whose telephone number is **571.270.3092.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Kambiz Abdi** can be reached at **571.272.6702**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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April 09, 2009
/Edward Chang/ Examiner, Art Unit 3692

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692